

**IN THE UNITED STATES NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION**

**JULIE ANN HAMSTEAD,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.:** 3:18-CV-79 (Groh)

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ELECTRONICALLY  
FILED  
May 18 2018  
U.S. DISTRICT COURT  
Northern District of WV

**WEST VIRGINIA STATE POLICE,  
TROOPER D.R. WALKER, in his official  
capacity,  
CITY OF RANSON, WEST VIRGINIA  
SARGEANT KEITH SIGULINSKY ,  
CITY OF CHARLES TOWN, WEST  
VIRGINIA  
MASTER PATROLMAN JASON  
NEWLIN, in his official capacity,  
THE WEST VIRGINIA DIVISION OF  
HIGHWAYS,  
RODNEY D. HEDRICK, SR., in his official  
capacity,  
KYLE REED KOPPENHAVER  
A.B., an unknown individual known as the  
WVDOH “Muscle Man” on the 2016  
Ranson-Charles Town Green Corridor  
Fairfax Blvd. Project,  
JEFFERSON CONTRACTING, INC., a  
corporation,  
JEFFERSON ASPHALT PRODUCTS  
COMPANY, a corporation,  
DALE DEGRAVE,  
ALLEN SHUTTS,  
JOHN TIMOTHY MORRIS,  
WVU HOSPITALS – East, Inc., d/b/a  
JEFFERSON MEDICAL CENTER,  
KELLY HALBERT, RN, and,  
X, Y and Z, unknown persons who  
conspired and/or aided and abetted in the  
fabrication  
of false criminal charges against Julie  
Hamstead,**

**Defendants.**

**NOTICE OF REMOVAL**

**COME NOW** the Defendants, The City of Ranson and Sgt. Keith Sigulinsky, by and through counsel Keith C. Gamble, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and pursuant to 28 U.S.C. §§ 1331, 1391, 1441 and 1446, and gives notice of removal of this action from the Circuit Court of Jefferson County, West Virginia, Civil Action No. 18-C-68, to the United States District Court for the Northern District of West Virginia, and in support hereby state as follows:

1. That Plaintiff Julie Ann Hamstead filed her Complaint in the above-captioned civil action in the Circuit Court of Jefferson County, West Virginia, on or about April 20, 2018, where it was assigned Civil Action Number 18-C-68. *See* Complaint attached hereto as **Exhibit 1**.

2. Defendants Sgt. Sigulinsky and City of Ranson were served with the Summons and Complaint on April 23, 2018; Defendants City of Charles Town and Jason Newlin were served with the Summons and Complaint on April 24, 2018; Defendant West Virginia State Police was served with the Summons and Complaint on April 26, 2018; Defendant Trooper Walker was served with the Summons and Complaint on April 27, 2018; Defendant WVU Hospital dba Jefferson Memorial Center was served with the Summons and Complaint on April 25, 2018; Defendants Jefferson Contracting, Inc., Jefferson Asphalt Products Company, Dale Degrave, John Morris, and Allen Shutts were served with the Summons and Complaint on April 20, 2018; Defendant West Virginia Division of Highways was served with the Summons and Complaint on May 10, 2018; and, Defendant Rodney Hedrick, Sr., was served with the Summons and Complaint on May 1, 2018; Upon information and belief, to date, Kelly Halbert R.N. and Kyle Koppenhaver have not been served with the Summons and Complaint.

3. In accordance with 28 USC 1446(a), a copy of all process, pleadings, or orders served on Defendants by Plaintiff in this matter are reflected in the attached docket sheet and are made up of the Summons, Complaint, and Discovery. *See* Docket Sheet for 18-C-68 attached hereto as **Exhibit 2**.

4. This Notice of Removal is timely under 28 USC §1446(b) because the same was filed within thirty (30) days after service of the Summons and Complaint. Further, it is filed within one year of commencement of this action.

5. Plaintiff alleges the events at issue in this matter occurred in Jefferson County, West Virginia. Plaintiff claims she is currently no longer a resident of the State of West Virginia. However, upon information and belief, Plaintiff currently resides in Ohio. *See* Complaint, **Exhibit 1**.

6. The Defendants are believed to reside as follows: Defendant City of Ranson is a political subdivision of the State of West Virginia, within Jefferson County; Defendant Sergeant Keith Sigulinsky is a citizen of Jefferson County, West Virginia; Defendant West Virginia State Police is an agency of the State of West Virginia, within Jefferson County; Defendant Trooper D. R. Walker is a citizen of Berkeley County, West Virginia; Defendant City of Charles Town is a political subdivision of the State of West Virginia; Defendant Jason Newlin is a citizen of Jefferson County, West Virginia; Defendant West Virginia Division of Highways is an agency of the State of West Virginia; Defendant Rodney Hedrick is a citizen of Grant County, West Virginia; Defendant Kyle Koppenhaver is a citizen of Berkeley County, West Virginia; Defendants John Morris, Dale DeGrave, Allen Shutts and Kelly Halbert are believed to be citizens of the State of West Virginia. That Defendant Jefferson Contracting, Inc. and Jefferson Asphalt Products Company are corporations doing business in the

State of West Virginia; and WVU Hospitals dba Jefferson Memorial Center is a corporation doing business in the State of West Virginia.

7. According to her Complaint, Plaintiff has asserted ten causes of action: Malicious Prosecution; Void Disorderly Conduct and Obstruction Charges; Aiding and Abetting Malicious Prosecution; Battery; Aiding and Abetting Battery; Negligence, Negligent or Intentional Infliction of Emotional Distress/Tort of Outrage; Respondeat Superior; Negligent Hiring, Training and Supervision; and, Obstruction of Justice.

8. According to 28 U.S.C. § 1331, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

9. Plaintiff asserts her “action is brought based on common law torts and violations of civil rights, including violations in the constitution and statutes of the United States.” ¶ 1 **Exhibit 1**.

10. Plaintiff alleges, throughout the body of the Complaint, that the Defendants used excessive force against the Plaintiff. ¶ 32, 54, 55, and 82(f). **Exhibit 1**.

11. Plaintiff alleges, throughout the body of her Complaint, the Defendants violated her right to free speech and violation of the 1<sup>st</sup> Amendment to the United States Constitution. ¶ 57(e) and 62. **Exhibit 1**.

12. Plaintiff alleges, throughout the body of her Complaint, her rights to due process and equal protection were violated by the Defendants. ¶ 57(g), 65, and 92. **Exhibit 1**.

13. Plaintiff also alleges the Defendants violated her civil rights. ¶ 82(b). **Exhibit 1**.

14. The claims asserted by the Plaintiff clearly raise issues of a federal question on the face of the Complaint.

15. According to 28 U.S.C. § 1441(c), “If a civil action includes **(A)** a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and **(B)** a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made non-removable by statute, the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).”

16. Pursuant to 28 U.S.C. § 1441(c), removal is proper as the Plaintiffs’ civil action arises under “the Constitution, laws, or treaties of the United States”, presumably 42 U.S.C. 1983, and the Plaintiffs’ claims are not claims that have been made non-removable by statute. ¶ 1 **Exhibit 1**.

17. Pursuant to 28 U.S.C. § 1441(a), any civil action brought in a State of which the district courts of the United States have jurisdiction may be removed by the Defendants(s) to the district court of the United States for the district and division embracing where such action is pending.

18. Pursuant to 28 U.S.C. § 1391, venue is proper in the Northern District of West Virginia because a substantial part of the events or omissions giving rise to the claims contained in the Complaint allegedly occurred in this district and Jefferson County which is situated in this District.

19. Removal of this action to this Court is also proper pursuant to 28 U.S.C. § 1446(b)(2)(A) as all Defendants who have thus far been served, have consented to removal by and through Counsel who have signed this Notice of Removal. Specifically, all Defendants who have thus far been served are represented by the undersigned and consent to removal.

20. Pursuant to 28 U.S.C. § 1446(d), prompt written notice of this Petition for Removal is being provided to Plaintiff, through counsel of record, and to the Clerk of Court for the Circuit Court of Jefferson County, West Virginia. A Notice to All Parties and Circuit Court of Filing of Notice of Removal is attached hereto as **Exhibit 3**.

WHEREFORE, Defendants submit that this matter is properly removed from the Circuit Court of Jefferson County, West Virginia, to this Court.

Respectfully submitted this 18<sup>th</sup> day of May, 2018.

/s/ Keith C. Gamble  
Keith C. Gamble, WVSB # 7971  
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Telephone: (304) 225-2200  
Facsimile: (304) 225-2214  
*Counsel for City of Ranson and  
Sgt. Keith Sigulinski*

**Approval and Consent to Removal:**

/s/ Duane J. Ruggier  
Duane J. Ruggier, II, Esquire (WVSB # 7787)  
Pullin, Fowler, Flanagan, Brown & Poe, PLLC  
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*Counsel for City of Charles Town and  
Jason Newlin*

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*Counsel for West Virginia State Police  
and Trooper Walker*

/s/ Alex M. Greenberg  
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*Counsel West Virginia University  
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/s/ Edward Levicoff  
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4 PPG Place, Suite 200  
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*Counsel for Jefferson Contracting, Inc.,  
Jefferson Asphalt Products Co.,  
Dale Degrave, John Morris and  
Allen Shutts*

/s/ Joseph T. Cramer  
Joseph T. Cramer, Esquire (WV State Bar # 11455)  
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116 South Stewart St., First Floor  
Winchester, VA 22601  
*Counsel for West Virginia Division of Highways,  
and Rodney Hedrick, Sr.*



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MARTINSBURG DIVISION**

**JULIE ANN HAMSTEAD,**

**Plaintiff,**

**v.**

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TROOPER D.R. WALKER, in his official  
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THE WEST VIRGINIA DIVISION OF  
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KYLE REED KOPPENHAVER  
A.B., an unknown individual known as the  
WVDOH “Muscle Man” on the 2016  
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ALLEN SHUTTS,  
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WVU HOSPITALS – East, Inc., d/b/a  
JEFFERSON MEDICAL CENTER,  
KELLY HALBERT, RN, and,  
X, Y and Z, unknown persons who  
conspired and/or aided and abetted in the  
fabrication  
of false criminal charges against Julie  
Hamstead,**

**Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that on 18<sup>th</sup> of May, 2018, I presented the foregoing ***Notice of Removal*** to the Clerk of the Court for filing and uploading to the CM/ECF system and the Clerk will notify counsel as follows: **Braun Hamstead, Esq.**, [bhamstead@hamsteadandassociates.com](mailto:bhamstead@hamsteadandassociates.com), *Counsel for Plaintiff*; **Duane Ruggier, II, Esq.**, [druggier@pffwv.com](mailto:druggier@pffwv.com), *Counsel for City of Charles Town and Jason W. Newlin*; **Edward Levicoff, Esq.**, [elevicoff@levicofflaw.com](mailto:elevicoff@levicofflaw.com), *Counsel for Jefferson Contracting, Inc., Jefferson Asphalt Products Company, Dale Degrave, John T. Morris and Allen Shutts*; **Alex Greenberg, Esq.**, [alex.greenberg@dinsmore.com](mailto:alex.greenberg@dinsmore.com), **Christine Vaglienti, Esq.**, [vaglientic@wvumedicine.org](mailto:vaglientic@wvumedicine.org), **Jennifer Mitchell, Esq.**, [jennifer.mitchell@dinsmore.com](mailto:jennifer.mitchell@dinsmore.com), *Counsel for WVU Hospital d/b/a Jefferson Memorial Hospital* **Joseph Cramer, Esq.**, [jcramer@shumanlaw.com](mailto:jcramer@shumanlaw.com), *Counsel for the West Virginia Department of Highways, and Rodney D. Hedrick, Sr.*, **Monte Williams, Esq.**, [monte.williams@steptoe-johnson.com](mailto:monte.williams@steptoe-johnson.com), **Mark Jeffries Esq.**, [mark.jeffreies@steptoe-johnson.com](mailto:mark.jeffreies@steptoe-johnson.com), and **Katherine Moore, Esq.**, [Katie.moore@steptoe-johnson.com](mailto:Katie.moore@steptoe-johnson.com), *Counsel for the West Virginia State Police and Trooper D.R. Walker.*

*/s/ Keith C. Gamble*

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Keith C. Gamble, WV State Bar No. 7971